Previous references

1909
(Supl)

File No 67
Serial Nos 3, 5, 13 & 23

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3, 5, 13 & 23

Part B for April 10.

SUBJECT

Acqn of Lochperbes for public purposes in the Surpore Distr

3 From the chairman, Improt Bd, 867 of 30 7 9
Proposes the acqn of Lochperbe belonging to Chakpatta * nark, under L A Regln

5 To Do 1607 of 12 8 9 Enquires how he proposes to ascertain the amount of compensation and whether the acqn does not come under the city of Surpore * Suppl Regln

13 From Do. 9197 of 8 12 9 Requests a relaxation of the formalities enjoined by the Regln

23 G R S 58
Go 9724 of 28 6.10 States that the formalities prescribed by the Regln should be strictly gone through, as otherwise the proceedings will be illegal

GRS 11] 1909-1910

GENERAL AND REVENUE SECRETARIAT

(Mb.)

NOTES

File No 6709

FILE HEADING

Acquisition of properties for public purposes in the Mysore City -

From

The Chairman, Mysore City Impt Trust Bd

No 867 Dated 30 7 09 Received 3 8. 1909

Diary No 842 | Enclos 6 | Spare Copies — | Serial No 3

BRIEF ABSTRACT OF LETTER under S 4 of Regulation

Proposes the acquisition of property Mb. RR 1262 in Block No 5 of No II Drainage Area Mandi Mohalla of the City belonging to Chuk Pulla Naik as the same obstructs the direct flow of sewage of property plan no 323 belonging to Kadiya Puttiah -

NOTES AND ORDERS

The Chairman does not state here the amount of Compensation can be met and whether this proposal does not come within the provisions of section 18 (2) of the City Impt Regn. Draft Calling for additional

Notes—First sheet

GPB—30000—8 4 07

Serial No.	
	information is therefore submitted for
	observation or other orders
	2 The Chairman's proposal is
	to acquire the property under the
	Land Acquisition Regulation.
	3 Issue
	9 8 09
5	4 Docket No 607 dated the 12th
	Aug. 1909 to Chairman.
	Enquires how he proposes to
	meet the amount of Compensation
	payable for the land property and
	whether his proposal to acquire it
	does not come within the purview of
	sec. 18(2)(c) of the City of Udaipur
	Land Regulation so as to necessitate
	the formalities prescribed by sections
	16-17.
13	5 Letter No 919 dated the 8th Decr
	1909 from the Chairman
	Referring to the 2nd enquiry, regd
	in the affirmative and requests
	that, in the circumstances explained
	by him, a relaxation in the procedure
	of formalities enjoined by Sections
	16 & 17 may be allowed in the case
	of the acquisition of land for [illegible]

Serial No

here and there for effecting further improvements in the schemes already sanctioned by Govt

6 Submitted for orders. The difficulty experienced by the Chairman may, perhaps be minimised by having a proper & correct forecast of all the works that may have to be carried out under any improvement scheme

X 7 In this connection attention is respectfully invited to paras 5 & 7 of the Office note to Jnl. L.S.G.-'08 wherein the Secy held that in the case of the acquisition of any property within the area under the operations of the Trust Board action should be taken under the City of Allgore Impt. Regn.

67-09-10 Subsequently, however, Govt sanctioned Y the acquisition of certain properties in the Nazarbad Mohalla (an area under the operations of the Trust Board) under the Land Acqn. Regulation

RLD 31
18/12/09 8 The procedure laid down in the Regulations cannot be allowed to be modified by an executive order

SPG—55,000—27-1-09

Serial No.

the Kind suggested by the Chairman and should be strictly followed - The Chairman may be informed accordingly -

1st Cr) 20-12-09 [illegible]

531
21.12.09

The question at issue is whether the Land Acquisition Regulation can be put in force in areas in which the Trust Board is carrying out operations under a separate Regulation. If there is no objection to it, the permission sought in the present case may be granted. Please consult the Jud branch.

[illegible]
21/12/09

Jud Br

Forwarded to Br III for favour of opinion

22-12-09 [illegible]

Jud Br
[illegible]
22/12

The Trust Board can acquire property in two ways viz (1) by private agreement and (2) by taking

Note:—Contn. sheet.

Serial No.

Steps under the Land Acquisition Regulation (Please see Secs 22 & 23 of the City Improvement Act)

2 If the latter procedure is to be followed in regard to a property ~~already~~ ~~is being dealt with as part of an~~ already in consequence of alteration in a Scheme once sanctioned, the provisions of Sec 18 (2) (c) come into play and the observance of the formalities prescribed in Sec 16 (1) & Sub-Sec 1 of Sec 17 cannot be avoided

3 The procedure no doubt involves delay but the mandatory provisions which the Legislature has deliberately laid down cannot be set at nought on this ground. Neither is there any justification to draw a distinction between "essential" and "accessory" portions, as is done by the Chairman in the letter under disposal.

16/1/10

16/1/10

4 File resubmitted for orders with reference to the Trial Commissioner's note

(Chas. T. Taylor) 1/4 (Cr) 13/1/10

13/1

[illegible]—85,5-11—27-1-09

Serial No.

15

7-1-13-1-10

The question raised by the Chairman affects the Constitution of the Improvement Trust. The opinion of the Government Advocate may with advantage be obtained U.O.

13/1/10

16 Nil-16-1-10 / 18-1-10

16 Forwarded to the Govt Advocate for favour of opinion

By order
K. Raghavarao
17/1/10 For Secy.

17 B 0 39 dated 21-1-10

17 If any property required for the purposes of the City Improvement Regulation, cannot be purchased by direct negotiation, the only course to be adopted is that pointed out in section 23 of the Regulation The procedure laid down therein ought to be strictly followed and any departure from it will render the proceedings illegal I am of opinion that the provisions of the Land Acquisition Regulation can only be applied in respect of the property in question as supplemental ones to those contained in the City Improvement Regulation and that it is not open to Government to proceed to acquire the same directly under the Land Acquisition Regulation dispensing with the

Serial No.

the formalities to be observed under the City Improvement Regulation

21.1.1910 S. Narayana Rao Govt Adv

Br IV

21.1.10

Under Secy

Submitted for orders

1st Cr 26.1.10

24/1

8 20 / 25/1/10

The opinions of the Government Advocate, Mr Raghava Rao & Mr Srinivasaiyer are unanimous that the formalities prescribed in the Trust Regulation should be complied with before the Land acquisition Regulations is put into force I agree in this opinion Orders may issue accordingly

28/1/10

Note—Contin. sheet

GPD—10,000—27.4.09

Customs and Revenue Secretariat.

ML File No. 67 of 1909

Serial No.

20 Please put up draft
28/1/10 WWD 31/1
21 Draft submitted
Dewan 31/1/10 WWD
29/1
1614 22 Draft approved
23 Hms
Issue
ctz
WWD
26-4-10

23. G.O.No 9726 dated the 28th April 1910

States that the Govt agrees with the Board's proposals but that the formalities prescribed by the City of Madras Improvement Regn for the acquisition of properties required for purposes of the Improvement should be strictly followed by the Board as any departure from the procedure laid down will render the proceedings illegal.

Note.—Contn. sheet.

GPB—10,000—27-4-09

11-867 - 09 - 1
31709

D87 L

Mysore City Improvement Trust Board,
Chairman's Office,
Dated, Mysore, 30th July 1909

From

M.Kantharaja Urs, Esq., B.A.

Chairman of the Board of Trustees,

Mysore City Improvements.

To

K.S.Chandrasekhara Aiyar, Esq., B.A., B.L.

Secy. to the Govt. of His Highness the Maharaja

of Mysore, Gen. and Rev. Departments.

Sir,

ml 67-09
SL-3

I have the honour to state that the portion, marked A on the accompanying plan of property, plan No.320 and Municipal No.1242 in Block No.5 of No.II Drainage Area, Wandi Mohalla, Mysore, belonging to one Chik Putta Naik, is a low dirty tiled verandah of 2 ankanams obstructing the direct flow of sewage of property, plan No.323, belonging to Katige Puttiah. This inconvenience will be removed by demolishing the said ugly verandah and making over the cleared site and the separate bits of Trust land marked B & C in the sketch, so that Katige Puttiah may have greater facilities for locating his bath room and privy which now stand very near to his dwelling portion.

2. The resolution of the Board dated the 31st March 09 regarding the acquisition of the verandah in question, is annended.

3. As the acquisition of this property may not be effected by mutual agreement, I solicit the sanction of Government to acquire the same, under the provisions of the

W 2314 No 3

1909.

From

The CHAIRMAN of the Board of
Trustees for the Improvement
of the City of Mysore.

To

The SECRETARY to the Govt. of
His Highness the Maharaja of
Mysore, Gen. and Rev Depts.

Dated 30th July 09
Despatched 31st
Received
General No. 867
Enclosures Four

SUBJECT

Soliciting sanction for the acquisition of a portion of the tower belonging to Etik Putta Naik, in Block 5 of No II Drainage Area

2

the Land Acquisition Regulation.

4 I herewith forward, in order to save time, a dec-
-laration in English and Kanarese, for favour of notification
in the Gazette, under your signature, regarding the acquisi-
-tion of the property under reference.

I have the honour to be,

Sir,

Your most obedient servant,

For Chairman

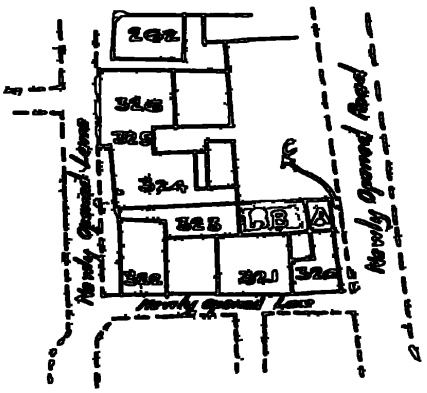
G S.

MYSORE C.

PORTION OF BLOCK No 5 D

Scale 25'=1"

3



MYSORE CITY IMPROVEMENT TRUST BOARD.

Proceedings of an Ordinary Meeting of the Board of Trustees for the Improvement of the City of Mysore, held at the Chairman's Office, (Town Hall) on Wednesday the 31st March 1909.

Present,

M.Kantharaja Urs, Esq., B.A., Chairman.

Trustees.

Present.	Absent.
1. Mr. P.Palpu, Dy.San. Commr.	1. Mr E.Waconochie, I.C.S
2. " M.G.Krishnaswami Rao, Vice-President.	2. " M C.Ranga Iyengar.
3. " V.L.Manker, Health Officer.	
4. " Mahomed Jaffer Sahib,	
5. " M Anantharajaiyya,	
6. " M Venkatakrishnaiyya.	

X X X

VII. Correspondence concerning the acquisition of a portion of the house belonging to Contractor Puttaiya, in Block No 5 of No II Drainage Area.

Resolved that the said portion be acquired

X X X

(Sd) M Kantharaja Urs,

Chairman

" C O P Y "

M G Krishnaswami Rao

For Chairman.

[illegible]

5

[illegible]

[illegible]				
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

Secretary to the Govt of Mysore
Revenue & Canal Depth

Mysore (Cantt.)

Under Section 18(1) of the Mysore City Improvement
for property details in the annexed Schedule as
Improvements of Block No 5 of Sl. No II

Serial No.	Plan No.	Door No.	Name of Owner	Description of Property.	Estimate in feet		Approximate Value in Rupees
					Earth to work	Work to Earth	
1	320	1242	Chik Putta Work Contractor	Land Tiled Verandah	12	15	20

Mysore
31/1/61 For Chairman

Mysore Trust Board

Regulation No. III, 1903. It is hereby declared that the land for a public purpose, i.e. for the Sanitary Drainage Area of the Mysore City

Miscellaneous	Boundaries				Remarks
	East	West	North	South	
	Trust Land	Trust Land	Puttaraju's land	Govt. land	

Secretary to Govt.
Revenue Department

-f - 44/45

842

G R.S 29A]

190

From

Secy to the Govt of His Highness
The Maharaja of Mysore,
Genl and Rev Dept

To The Chairman
Mysore City Municipality

Dated
Despatched
Received 12-8-09
General No 1607
No. mb 1709-5
Enclosure No

---

his letter no 867 dt the 30th July 1909. forwarding the acquisition of property plan no 320 (mb. no 1142) in Block no 5 of the Tadiandavada Agrahara Mandi mohalla of the City, on the ground that it obstructs the flow of sewage of property plan no 323

Referring the above has

has the honour to request the Chairman to be so good as to state how he proposes to meet the amount of Compensation payable for the said Setback and whether his proposal to acquire it does not come within the purview of section 10(2)(c) of the City Surveyor Regulation so as to necessitate the formalities prescribed by section 16(1)

"By order"

Yours faithfully
27/11/07

117 & &c.
1109

Mysore City Improvement Trust Board,
Chairman's Office,
Dated, Mysore, 8th December 1909.

From

M.Kantharaja Urs, Esq., B.A.

Chairman of the Board of Trustees,
Mysore City Improvements.

To

C.S.Palasundaram Iyer, Esq., B.A.

Secy to the Govt. of His Highness the Maharaja
of Mysore, Gen. and Rev. Departments.

Sir,

With reference to your docket No.1667/Fl.67-09-5 dated the 12th August 1909 requesting to be informed whether the proposal to acquire property, plan No.820 and Fl.No.1242 in Block No.5 of No.II Drainage Area of the Mysore City, --- does not come within the purview of Section 18(2)(c) of the City Improvement Regulation, 1903, I have the honour to reply in the affirmative, and to state that for all intents and -- purposes, the object of the observance of the formalities --- enjoined in Section 16 and 17 of the said Regulation has been practically gained in this case, though they have not been -- followed to the letter.

2. The various steps of procedure laid down in the -- said two sections 16 and 17 are (1) to draw up a notification of the improvement scheme upon its completion (2) to commu-nicate a copy of such notification to the President of the Municipality (3) to cause the publication of the said noti-fication in the official Gazette (4) to cause the same --- posted up in some conspicuous part of the Board's Office, the Deputy Commissioner's Office and the Office of the ----- Municipal Council, (5) to serve notice on the owners of ----

1909.

From
The CHAIRMAN of the Board of
Trustees for the Improvement
of the City of Mysore.

To
The SECRETARY to the Govt. of
His Highness the Maharaja of
Mysore, Gen. and Rev. Depts.

Dated 8th } 1 December 1909
Despatched 15th }
Received
General No. 919
Enclosures One

SUBJECT
Requesting that in the
case of the acquisition of ample
properties here and there for
effecting further improvements
in the schemes already sanctioned by Govt a
relaxation in the observance
of the formalities enjoined
in Sections 16-17 of the City
Improvt Regulations be allowed
for reasons given

of properties involved, requiring an answer as to whether -- they desist or not in respect of their acquisition, and (6) to apply to Government for sanction to the scheme All these observances are held essential in the case of elaborate --- schemes involving large outlay and acquisition of a large -- number of properties wholesale, but in cases where minor --- improvements or alterations from the originally sanctioned schemes, necessitate the acquisition of one or two properties it is submitted that such observances seem but accessory, if not superfluous, some of them at any rate, do seem so, under the present constitution of the Board under which the Deputy Commissioner of the Mysore District who is also the -- the President of the Municipal Council, is its ex-officio Chairman, inasmuch as, particulars of procedure Nos 2 and 4 -- stated above will have been impliedly undergone The Resolu- -tion of the Board is published in the Mysore Gazette, and this it is submitted, serves the purpose of particulars --- Nos 1 and 3 Sanction of Government is applied for to acquire the property, under the provisions of the Land Acquisition Regulation, only when the party dissents and thus a separate notice to elicit the same answer seems obviously superfluous

5 when, besides, in the case of acquisition of single properties, the owners agree to part with them, the Regula- -tion empowers the Board to forthwith proceed to execute the scheme as altered, without heed to the formalities laid down in the aforesaid sections 16 and 17 And should adverse interests or claims, doubtful or genuine arise, say, in the middle stage of such acquisition proceedings which could not be settled amicably among the parties themselves, it would be a retrograde step to cause the properties in question to be notified in the Government Gazette under the signature of the Secretary to Government, and refer the dispute to the courts for decision In order to avoid this, application is in the first instance sent up to Government for the purpose of the property

being notified in the Gazette with the declaration prel -minary to any steps being taken for its acquisition This provision will, it is thought, facilitates the disposal n only of such cases of acquisition regarding which the p of the compensation awarded cannot be made to any party - owing to the non-settlement of the dispute of the counter claimants, though the owners agree to part with their ---- properties, but also in cases where the owners may wanton refuse to do so

4 In these circumstances and chiefly to avoid del (vide accompanying note) that may be caused to the executi of the main scheme itself by insisting on the formalities being observed even in minor alterations, I request that the case of the acquisition of single properties here and there for the purpose of effecting certain improvements in the originally sanctioned scheme, Government may be please to rule that the provisions of Sections 16and 17 and Sub- (1) of Section 18 of the City Improvement Regulation shall be deemed to have been complied with when the Trust Board passes a resolution to acquire such properties under the - provisions of the Land Acquisition Regulation, publishes s resolution in the official Gazette and applies to Govern ror its sanction with the plan of the proposed improvement and a declaration regarding the properties therein propos for notification under the signature of the Secretary to - Government

I have the honour to be,

Sir,

Your most obedient servant,

For Chairman

ab 13

G.R.S 28]

File No 67-09
Serial No 2

Diary No of letter replied to 4131

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(RL.)

Bangalore, the 29 / 1910

Date of issue 2-4-10

Signed by mrkm

READ— Letter no 867 dated 30th July 1909 from the Chairman, Mysore City Improvement Trust Board proposing the acquisition property no 1242 in Block no 6 of no 17 Drainage Area of City under the provisions Land Acquisition Act instead of under those of the City of Mysore Improvement Regulation, notwithstanding fact that the said property lies

ORDER THEREON—No

SUBJECT

is within the area under the
jurisdiction of the Trade Board
b) Correspondence ensuing with
letter No 9129 dated the 9th Dec
1929 from the same Officer
stating that his aforesaid
proposed Bunds within the
purview of Sec 52, (2), of the
City of Mysore Improvement
Regulations, both that a
relaxation in the observance
of the formalities hereby enjoined
by Sections No 17 of that
Regulation may be ordered & be allowed
in the Case of the acquisition
of single properties here and
there for effecting further
improvements in the schemes
originally sanctioned by Govt

---

orders thereon - 9724 and 67-29 with the
Govt Advocate who has been consulted

Govt observe that
if any properties required
for the purposes of the City
of Mysore Improvement Regulation
Cannot

are of opinion that the
formalities prescribed by the
City of Mysore Improvement Regn
for acquisition of properties
required for purposes of
improvement should be

Rel 67-69 (3) 15-

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form)

Cannot be purchased by direct negotiation, the only course to be adopted is that provided for in section 23 of the Regulation and that the procedure laid down there in ought to be strictly followed by the Trust Board. In any adventure from the procedure laid down by will render the proceedings illegal in the opinion of the Court. The provisions of the Land Acquisition Regulation can only be applied in respect of the acquisition under section 23 for supplementary as supplemental ones to those contained in the City of Lucknow Improvement Regulation. And that it is more open to the Trust Board to proceed to acquire the same directly under the Land Acquisition disregarding both the formalities to be observed under the City of Lucknow Improvement Regn.

They consider that where a property required for purposes of improvement cannot be acquired by direct negotiation

the Lucknow

A copy of this

To, The Chairman Lucknow City Improvement Trust Board